

**PLANNING DIRECTOR MEETING MINUTES
REGULAR MEETING – 2:00 PM – June 18, 2014**

The Planning Director Hearing was called to order by Community Development Director/Planning Director Craig Baker at 2:01 p.m. in the Town Council chamber located at 5555 Skyway, Paradise, California.

1. APPROVAL OF MINUTES

Community Development Director/Planning Director Baker approved the Minutes of the October 23, 2013 Planning Director hearing as presented.

2. PUBLIC COMMUNICATION – None.

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Planning Director meeting.

3. CONTINUED PUBLIC HEARING – None.

4. PUBLIC HEARING

Director Baker reviewed the public hearing procedure and reported that the purpose of the hearing is to consider the following application, which is exempt from CEQA environmental review:

VERIZON WIRELESS SITE PLAN REVIEW PERMIT (PL14-00119) APPLICATION: Site plan review permit approval to authorize the establishment of a 145 foot-tall wireless communications facility designed to appear as a mature pine tree and a +/-192 square foot equipment shelter upon a 1.56 acre property located at 6661 Pentz Rd, zoned Neighborhood Commercial (NC) and currently developed to accommodate construction sales and service (AP No. 050-180-025).

Director Baker stated he is recommending approval of the application with the conditions as stated in the staff report plus a condition #7 as follows:

7. Pursuant to the requirements of Paradise Municipal Code Chapter 17.41 (design standards and design review), secure architectural design review approval from the Town of Paradise via the filing of a design review application either before, or concurrently, with the submittal of construction plans.

Director Baker opened the public hearing at 2:10 p.m.

Speaking in favor of the project:

1. Andrew Lesa, Verizon, stated that Verizon is excited about enhancing cell coverage and capacity in this area, that the company has concerns with conditions 4a and 13, as Verizon believes this is an unlawful taking of real estate, or space, and asked that the conditions be removed. If the conditions are kept,

Verizon would retain opportunity to challenge conditions if and when they would be proposed by the Town and would prefer that the conditions be removed.

Director Baker acknowledged that a letter from Verizon was received today at noon requesting that the Town remove condition #4a and to modify condition #13 to specify that Item #13 on the Fire Marshal's list be removed from consideration.

Speaking against: None.

Community Development Director/Planning Director Baker stated that it looks like a substantial increase in coverage and asked if Verizon would acknowledge acceptance of condition #7 for design review. Mr. Lesa stated that Verizon is fine with the added condition #7.

Director Baker stated that he would like to grant the modification to #13, as requested, and suggested adding the following sentence to condition #4a: Such agreement shall be mutually agreed upon by the parties and shall be executed prior to approval of the construction plans.

Mr. Lesa stated that Verizon believes it to be unlawful for the Town to take space on the tower.

Mr. Baker stated that it is not the intent of the Town to stall the project.

Mr. Lesa stated that he would not like the process to be tied to construction plans, likes the modification to condition #13, but would like 4a without the stipulations.

Mr. Baker stated that execution of an agreement would remove the 'taking' and can be a very simple agreement in which the parties could negotiate in good faith. He stated that communications are very difficult in Paradise and in the name of public safety the Town would like to potentially improve its communication capabilities.

Director Baker closed the public hearing at 2:23 pm.

ACTION:

Community Development Director/Planning Director stated that, after review, he is adopting the findings a, b, c & d and conditions 4a, 7 & 13 as modified, and approving the **Verizon Wireless Site Plan Review Permit (PI14-00119) Application**, a site plan review permit approval that authorizes the establishment of a 145 foot-tall wireless communications facility designed to appear as a mature pine tree and a +/-192 square foot equipment shelter upon a 1.56 acre property located at 6661 Pentz Rd, zoned Neighborhood Commercial (NC) and currently developed to accommodate construction sales and service (AP No. 050-180-025) as follows:

REQUIRED FINDINGS FOR APPROVAL:

- a. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.

- b. Find that the project, **as conditioned** by the Town of Paradise is consistent with the goals, objectives, and land use policies of the 1994 Paradise General Plan; and is consistent with the zoning provisions of Title 17 of the Paradise Municipal Code.
- c. Find that the project, **as conditioned** by the Town of Paradise shall be compatible with its surrounding land uses; and it will not be detrimental to nor impair the health, safety and welfare of the residents of the town.
- d. Find that **as conditioned**, the project will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - 1) The project site is located within an area which has been altered by long-established residential and community service-oriented land uses;
 - 2) No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - 3) No known rare or endangered plants exist in the immediate project vicinity.

GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL

- 1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT

UTILITIES

- 2. Meet all utility company requirements concerning the relocation, extension and installation of new or expanded utility services facilities, the establishment of utility easements, etc.
- 3. Notify Underground Service Alert (U.S.A.) at least two working days prior to any excavation activities on the project site.

SITE DEVELOPMENT

4. Construction plans for the proposed communications tower shall include a “monopine” design as illustrated in photo simulations submitted to the Town on April 22, 2014 and shall be designed to accommodate tower space for the following:
 - a. The potential for the future establishment of communication facilities to serve the Town of Paradise Public Works Department, Paradise Fire Department and Paradise Police Department based on an agreement with the Town of Paradise. Such agreement shall be mutually agreed upon by the parties and shall be executed prior to approval of the construction plans.
5. Expose and verify location of abandoned septic tank in the presence of the Onsite Sanitary Official for observation and evaluation. Secure appropriate sanitation permit for destruction, if necessary. Expose/identify location of leach fields if system is to remain.
6. Meet requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code requirements.

OTHERS

7. Pursuant to the requirements of Paradise Municipal Code Chapter 17.41 (*Design Standards and Design Review*) secure architectural design review approval from the Town of Paradise via the filing of a design review application either before, or concurrently, with the submittal of construction plans.
8. Pay development impact fees in accordance with the requirements of Chapter 3.40 (*Development Impact Fees*) of the Paradise Municipal Code.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION

SITE DEVELOPMENT

9. Secure an encroachment permit from the Town of Paradise Engineering Division for the upgrade of the Wagstaff Rd driveway encroachment which connects to the proposed Verizon Wireless access easement.
10. Any above-ground lighting fixtures proposed to be established in association with the project shall be shielded to prevent the projection of light onto adjoining properties and shall not exceed a height of twelve (12) feet above finished grade.

11. All fencing surrounding the proposed ground level communications facilities shall be solid fencing and a maximum of six (6) foot tall above grade.
12. Construct and install all proposed facilities in substantial conformance with project materials submitted to the Town of Paradise on April 22, 2014.
13. The proposed project facilities shall include the installation of facilities and structures that consist of non-glare material. Additionally, the project proponent shall design and establish the facilities in compliance with the standards contained within Paradise Municipal Code Section 17.42.080 (*Development and design standards*).

FIRE PROTECTION

14. With the exception of Item No. 13, meet the applicable requirements of the Paradise Fire Department in accordance with the Fire Marshal's plan check review for the Verizon project (PL14-00119), on file with the Town Development Services Department.

CONDITIONS OF LAND USE

15. No lighting fixtures shall be permanently affixed to the proposed cellular communications tower for the term of its use.
16. Any fans, blowers, generators or air conditioning equipment associated with the facility shall be located and equipped with noise attenuating devices such that nearby residences and other nearby land uses are not subjected to noise disturbances exceeding community noise standards.
17. Comply with all applicable safety standards of the American National Standards Institute (ANSI), National Council on Radiation Protection and Measurements (NCRP) and Institute of Electrical and Electronics Engineers (IEEE).
18. All unused or obsolete towers, dishes, antennas or equipment shall be removed from the site within six months after their operation has ceased.

Director Baker announced that the decision may be appealed to the Planning Commission within seven (7) days from the date of the hearing. The decision of the Planning Commission is subject to appeal to the Town Council.

5. ADJOURNMENT

Community Development Director/Planning Director Baker adjourned the Planning Director hearing at 2:25 p.m.

DATE APPROVED: October 21, 2014

By: _____/s/_____
Craig Baker, Community Development Director/Planning Director

_____/s/_____
Joanna Gutierrez, CMC, Town Clerk